

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

In re Subpoena to Non-Party Lindsey
O. Graham in his official capacity as
United States Senator,

Case No. _____

in the matter of:

Special Purpose Grand Jury, Fulton
County Superior Court Case No.
2022-EX-000024.

**EXPEDITED MOTION TO QUASH
BY UNITED STATES SENATOR LINDSEY GRAHAM**

United States Senator Lindsey Graham (“Senator Graham”) hereby moves the Court for an order quashing the subpoena issued to him by the Special Purpose Grand Jury in the Superior Court for Fulton County, Georgia on July 26, 2022.

As set forth in the accompanying memorandum of law in support of this motion, the subpoena must be quashed for three reasons. First, the Speech or Debate Clause—which our Framers thought “indispensably necessary” for the independence of the legislature, and ultimately for the “rights of the people,” *Tenney v. Brandhove*, 341 U.S. 367, 373–74 (1951)—provides absolute protection against inquiry into Senator Graham’s legislative acts. Second, sovereign immunity prevents a local prosecutor from haling a U.S. Senator to face a state ad hoc

investigatory body. And third, even without those constitutional guarantees, the District Attorney has not met her burden of compelling this testimony, because she has not shown the “extraordinary circumstances” necessary to order a high-ranking federal official to testify.

For these reasons, the subpoena is improper, and Senator Graham respectfully requests that the Court quash the subpoena in its entirety.

Date: July 29, 2022

Respectfully submitted,

/s/ Brian C. Lea

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CERTIFICATE OF COMPLIANCE WITH LR 5.1(B)

I hereby certify that this brief has been prepared with one of the font, point, and style selections approved by the Court in LR 5.1(B)—namely, double-spaced in 14-point Times New Roman font.

Date: July 29, 2022

/s/ Brian C. Lea

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CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2022, I caused a copy of the foregoing to be served via U.S. Mail on the following recipients:

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Date: July 29, 2022

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